

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 9, 2004

DIVISION TWO

B169009 Johnson (Not for Publication)
v.
Stevens

The motion to dismiss the appeal is denied. The judgment appealed from is affirmed. Johnson shall recover her costs from Stevens.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B166746 Thompson, et al. (Not for Publication)
v.
Viva American Marketing, et al.

The order granting respondents' motion to require appellants to pay additional costs for claims administration is reversed. Appellants are awarded their costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

March 9, 2004 (Continued)

DIVISION TWO (Continued)

B166372 People (Not for Publication)
v.
Delgado

The judgment is affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B165865 People (Not for Publication)
v.
Tovar

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

[illegible]

The judgment appealed from is affirmed.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

March 9, 2004 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is modified by striking the one-year prior prison term enhancement (§ 667.5, subd. (b)) from the stayed sentence as to count 2 (petty theft with a prior). In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

B166569 People (Not for Publication)
v.
James

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

[illegible]

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Doi Todd, J.

March 9, 2004 (Continued)

DIVISION TWO (Continued)

B169335 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Jesus H.

The order under review is affirmed.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B169442 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Maria O., et al.

The order under review is affirmed

Boren, P.J.

We concur: Nott, J.
 Doi Todd, J.

B169458 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Tomas V.

The orders under review are affirmed

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J

March 9, 2004 (Continued)

DIVISION TWO (Continued)

B159434 People (Not for Publication)
v.
Olmos

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B168486 People v. Valadez
B172455 Lisa M., v. S.C.L.A.
B169252 Children and Family Services v. Mark K.
B168564 People v. Galaviz
B165271 People v. Brown
B165801 People v. Blankenship
B155479 People v. Lebeau
B163287 People v. Villanueva

Argument waived, cause submitted.

B168222 People
v.
Burling

Merits:

Argued by Dean J. Selimos for appellant and by Linda C. Johnson, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B165961 Rivera
 v.
 City of Long Beach

Merits:
Argued by Christie E. Webb for appellant and by Monte H. Machit, deputy city attorney for respondent. Cause submitted.

B162805 Shallenberger, et al.
 v.
 Ross, et al.

Merits:
Argued by Benjamin G. Shatz for appellants and by John V. Hager for respondents. Cause submitted.

B165637 People
 v.
 Gonzalez

Merits:
Argued by Susan K. Keiser for appellant and by David A. Voet, deputy attorney general for respondent. Cause submitted.

B160520 Marshall, et al.
 v.
 Pasadena Unified School District

Merits:
Argued by Michael Giden for appellant and by David Romney for amicus curiae in support of respondent. There being no appearance on behalf of respondent, cause submitted.

DIVISION THREE (Continued)

B163118 Chaidez, et al.
B165374 v.
 Glenfed Development Corporation, et al.

Merits:
Argued by Paul S. Cooley and Anthony Nixon for appellants / respondents
and by Lawrence Freeman for respondents / appellants. Submission
deferred.

Court recessed at 12:26 p.m.

Court reconvened at 1:45 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

B167834 Toscano
 v.
 Triangle Brass Manufacturing

Merits:
Argued by Oscar E. Toscano, appellant in propria persona and by Saul
Reiss for respondent. Cause submitted.

B159339 Schneider
 v.
 Boeing North American, et al.

Merits:
Argued by Thomas D. Pham for appellant and by Barbara E. Johnson for
respondents. Supplemental letter brief due by respondent on March 26,
2004. Submission deferred.

March 9, 2004 (Continued)

DIVISION THREE (Continued)

B162389 Kozanasky
v.
Metrociti Mortgage, et al.

Merits:
Argued by Paul J. Coady for appellants and by Lee Feldman for respondent. Cause submitted.

Court adjourned at 3:00 p.m.

DIVISION FOUR

[illegible]

The judgment is modified to reflect 684 days of custody credit, and the clerk of the superior court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. The judgment is affirmed, as modified.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B168449 Los Angeles County, D.C.S. (Not for Publication)
v.
Wayne M.

The order is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

March 9, 2004 (Continued)

DIVISION FOUR (Continued)

B170176 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B170562 People (Not for Publication)
v.
Rucker

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B168771 Milton Sandoval (Not for Publication)

v.

Surf City Backhoe & Equipment

The judgment is reversed. Appellant(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B162164 People (Not for Publication)

v.

Martin Pescador

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B166882 People (Not for Publication)

v.

Israel Cebrera Pulido

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

March 9, 2004 (Continued)

DIVISION SIX

B167425 People v. Toohey (Not for Publication)

The order is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B167136 Central Coast Fisheries Conservation Coalition, et al. (Not for Publication)
v.
California fish and Game Commission, et al.

The judgment is affirmed. Costs to respondents.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B169982 Pebworth (Certified for Publication)
v.
Worker's Compensation Appeals Board

The decision of the WCAB is vacated. The WCAB is instructed to honor the January 23, 2003 stipulation between Pebworth and his employer agreeing to settle vocational rehabilitation compensation for a lump sum of \$10,000 pursuant to section 4646, subdivision (b). The matter is remanded for further proceedings pursuant to section 4646, as amended.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

March 9, 2004 (Continued)

DIVISION SEVEN

B164750 Long (Certified for Publication)
v.
The Walt Disney Company

The judgment of the trial court is affirmed. Respondents are to recover their costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B165260 People (Not for Publication)
v.
Bryan L., a minor

The juvenile court's order is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B156272 People v. Rodriguez (Not for Publication)
B170881 In re Rodriguez on Habeas Corpus

The judgment of the superior court is affirmed. Defendant's petition for habeas corpus is denied.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

March 9, 2004 (Continued)

DIVISION EIGHT

B167467 People (Not for Publication)
v.
Bolanos

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B162129 People (Not for Publication)
v.
Simmons, et al.

Each appellant's judgment of conviction is reversed as to count four. As to appellant Simmons, the Penal Code section 12022.53, subdivision (b) enhancement for count one is stricken. The matter is remanded for sentencing consistent with this opinion. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.